

## **MINUTES**

### **UTAH OPTOMETRY BOARD MEETING**

**August 1, 2007**

**Room 402 – 4<sup>th</sup> Floor – 9:00 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:00 A.M.

**ADJOURNED:** 10:37 A.M.

**Bureau Manager:**  
**Board Secretary:**

Noel Taxin  
Karen McCall

**Board Members Present:**

Jeffrey H. Seeholzer, OD  
Wendy D. Gibbs  
D. Lee Tanner, OD  
Russell W. Purdy, OD  
Dane F. Dansie, OD  
Michael Cohen, OD

**Board Members Absent:**

Bonnie B. Rice

**Guests:**

Annette Mahler, Utah Ophthalmological Society  
Clive Watson, Utah Optometric Association

**DOPL Staff Present:**

David Stanley, Division Director

#### **TOPICS FOR DISCUSSION**

#### **DECISIONS AND RECOMMENDATIONS**

#### **ADMINISTRATIVE BUSINESS:**

FYI

Ms. Taxin opened the meeting and will act as Board Chairperson until the Board has officially nominated and voted in a new Board Chairperson.

#### **MINUTES:**

The minutes from the January 22, 2007 Board meeting were read.

Dr. Tanner made a motion to approve the minutes as read. Dr. Seeholzer seconded the motion.

**The Board vote was unanimous.**

## **APPOINTMENTS:**

### **10:00 A.M.**

Rick S. Robison, OD, Probationary Interview

Dr. Robison met for his probationary interview.

Ms. Taxin thanked Dr. Robison for coming and always being on time for his appointments.

Ms. Taxin introduced Dr. Cohen, the new Board member.

Dr. Tanner conducted the interview.

**Dr. Tanner stated that it is the understanding of the Board that Dr. Robison will be requesting termination of probation today.**

Dr. Robison responded that Dr. Tanner is correct. Dr. Robison submitted a letter from Dr. Holloway.

**Dr. Dansie read the letter which recommends early termination from probation.**

Dr. Robison commented that the most important thing for him at this time is to have a license that does not say probationary. He stated that being on probation has hindered his practice with his patients. Dr. Robison stated that it is almost impossible to be accepted onto insurance panels with a probationary license so his patients have had to make cash payments. He stated that it also is impossible to obtain a DEA number and he has had to have other Optometrists that he works with write out prescriptions for his patients.

**Dr. Tanner stated that Utah Optometrists have the Optometry license with a separate Controlled Substance license. He asked Dr. Robison if he could obtain a DEA number without the Controlled Substance license.**

Dr. Robison responded that he has been informed by the DEA that he can get a DEA number for non-scheduled prescriptions without a Controlled Substance license. Dr. Robison stated that he has talked with Pharmacists who have explained that there

is drop down box on their computer systems for the DEA number for the insurance company to pay. He explained that a few months ago a patient was insistent that the prescription had to be paid for by the insurance company and that is when he called the DEA regarding the guidelines. He stated that he was informed that he could have the type of DEA number that would not allow for a Controlled Substance prescription.

**Dr. Seeholzer responded that the DEA would drop down the schedule of prescriptions allowed to be prescribed.**

**Dr. Tanner asked Dr. Robison to update the Board regarding his life and his practice since he last met.**

Dr. Robison responded that his life is doing better, he is engaged to be married and has taken up more hours of work. He stated that he enjoys his work and his patients.

**Dr. Tanner asked if all Dr. Robison's drug tests have been negative.**

Ms. Taxin and Dr. Robison responded that all drug tests have been negative.

Dr. Robison responded that he is still in the Wal-Mart setting and at some point he may go back into private practice and may want the Controlled Substance license again. He stated that his interest right now is to be off probation and be allowed back onto the insurance panels.

**Dr. Dansie congratulated Dr. Robison on his engagement. He stated that Dr. Robison's letter requesting early termination mentions that his fiancé's child is a recovering drug addict. Dr. Dansie asked if that child still lives at home with the mother.**

Dr. Robison responded that the child is a daughter and she is married and no longer lives with her mother. He stated that his fiancé has had 2 children with drug problems so is aware of the symptoms and will be

very supportive.

**Dr. Dansie commented that she would be supportive.**

**Dr. Dansie asked Dr. Robison to clarify that he is requesting early termination of probation on the Optometry license and reinstatement of the Controlled Substance license.**

Dr. Robison responded that he is only requesting early termination of probation on the Optometry license today. He stated that he might apply for the Controlled Substance license later.

**Ms. Taxin stated that the Board may discuss termination of probation on the Optometry license today. She stated that if Dr. Robison applied for the Controlled Substance license right away that the Board and Division have concerns with Dr. Robison having a Controlled Substance license at this time and therefore, would most likely deny the application.**

**Dr. Dansie requested Dr. Robison to send a copy of his DEA number to the Division when he receives one.**

**Ms. Taxin suggested Dr. Robison write her regarding his progress in obtaining the DEA number.**

**Ms. Gibbs asked if the Board approves early termination of probation today is Dr. Robison's drug testing also terminated.**

**Ms. Taxin responded that Ms. Gibbs is correct that when Dr. Robison's probation on the Optometry license is terminated then the drug testing is also terminated.**

Dr. Robison stated that he has a felony on his record and when he has contacted several insurance companies he has had to explain the probationary license and the felony. He stated that the insurance companies have informed him that he needs to have a

non-probationary license for them to discuss being reinstated on their panels.

**Dr. Tanner made a motion to terminate Dr. Robison's probation on his Optometry license based on Dr. Robison having been continuously in compliance with the terms of his MOU.**

**Dr. Purdy seconded the motion.**

**Following discussion Dr. Tanner amended the motion to include that Dr. Robison must submit a copy of the DEA number when he receives one.**

**Dr. Purdy seconded the motion.**

**The Board vote was unanimous.**

**Ms. Taxin explained that it takes a few weeks to complete the paperwork to terminate the probation. She stated that Dr. Robison should continue to call for the drug testing until he is off probation and receives his new license. Ms. Taxin recommended Dr. Robison contact Debbie or Susan in about a week to confirm that he is no longer required to call in for drug testing.**

**Dr. Cohen asked how long it takes to obtain a DEA number.**

Dr. Robison responded that he does not know but cannot apply until he receives the clear license.

## **DISCUSSION ITEMS:**

Board Chairperson

Dr. Seeholzer nominated Dr. Dane Dansie as Board Chairperson. Dr. Purdy seconded the motion.

**The Board vote was unanimous.**

FYI

Ms. Taxin notified the Board that the Controlled Substance Examination is now in the Application.

**Board members thanked Ms. Taxin for the information.**

#### Global Definitions of Levels of Supervision

Mr. Stanley explained to the Board that the Legislative Committee has assigned him to discuss the levels of supervision with each Board as there is not a global definition of supervision and supervising. He stated that the word supervision means different things to different professions. Mr. Stanley stated that the Legislative Committee has written 3 proposed definitions for supervision. He asked the Optometry Board if supervision is required for their profession in their Laws and/or Rules.

Ms. Taxin and Ms. McCall responded that there is no requirement for supervision in the Optometry Laws and Rules.

Mr. Stanley asked the Board to review the definitions and respond with a recommendation.

**Following the review of the proposed definitions Dr. Seeholzer made a motion to recommend the Board accept option 3, Maintain our own definitions without adopting any part of the general definitions.**

**Dr. Tanner seconded the motion.**

**The Board vote was unanimous.**

Ms. Taxin stated that she will report the recommendation to Mr. Stanley.

#### Report on the ARBO 2007 Annual Meeting from Dr. Dane Dansie

Dr. Dansie reported on the ARBO meeting that he attended.

He stated that ARBO goes over what each State is doing as well as reporting and reviewing the examination information. He reported that the group accepted the practical test as a part of licensure. Dr. Dansie stated that ARBO wants the States to be involved with them so they know what is happening.

Dr. Dansie reported that some States are experiencing problems with applicants from other countries taking the NBEO, passing it and applying for licensure without completing an accredited Optometry education program. He stated that some States are

allowing these people to be licensed. Dr. Dansie stated that ARBO is recommending the individual State sponsor these candidates but the education must be a Doctorate degree. He stated that California has had problems with applicants from Puerto Rico who want licensure there. Dr. Dansie stated that this may not be an issue for Utah at this time but we might want to address it in case it becomes an issue. He stated that right now Utah only requires passing the National Boards.

**Dr. Tanner responded that Utah also has a specific education requirement and the Laws and Rules already addresses foreign education.**

Dr. Dansie recommended the Board review the Utah Laws and Rules to be sure they fully address the issues.

Dr. Dansie stated that the Puerto Rican education program is accredited.

**Ms. Taxin commented that the Board could put a definition in the Rules requiring the foreign education to be evaluated by PASCO. She stated that there have not been any foreign education issues for Optometry since she has been the Bureau Manager but her Bureau receives a lot of calls regarding some of the other professions. Ms Taxin stated that many of the transferring companies obtain a document from foreign people which gives all their rights to the agency to fill out their application and register them for the examination(s). She voiced concern that these people do not understand that they should not give their rights away.**

Dr. Dansie asked Ms. Mahler and Mr. Watson if they have had any calls regarding the foreign education issue.

Ms. Mahler responded that she has not had any calls regarding the issue.

Mr. Watson responded that he has not had any calls regarding the issue.

**Ms. Taxin recommended that the issue be put on another agenda for further discussion. She stated that, at this point, she would request a foreign evaluation for equivalency and if the evaluation did not document equivalency the applicant would have to go back to school to obtain the education.**

Dr. Dansie remarked that ARBO requested each State to include language in their Law to address the Foreign education.

**Dr. Tanner asked why ARBO does not specify in their Law education requirements to sit for the NBEO examinations.**

Dr. Dansie did not respond.

Dr. Dansie stated that COPE requirements were discussed at the conference. He stated that ARBO has requested the States to recommend licensees or Board members to be COPE Education Examiners as more are needed. He explained that the COPE Education Examiners meet to review courses and determine if the courses should be included in future education curriculum.

Dr. Dansie reported that ARBO is recommending that COPE not offer any industry sponsored courses, such as the pharmaceutical agencies sponsored courses. He stated that ARBO wants to receive grants that will be used for education programs. He stated that the education might be improved if it is not one sided.

Dr. Dansie reported that ARBO is still recommending the States accept the SELMO certification and Utah is one State that does. He explained that the licensee pays for the certification that verifies that a specific education has been completed. He stated that those who have the SELMO certification have reciprocity with other States. Dr. Dansie explained that Utah accepts the SELMO certification but all applicants still have to complete the national examinations.

Dr. Dansie reported that there are new medications coming out that are injections and there was



discussion regarding medicated contact lenses.

Dr. Dansie stated that the Optometry examinations are now number 2 for the fee for the examinations. He stated that it was reported that Dental examinations are now number 1. Dr. Dansie commented that the examinations are expensive.

**Mr. Stanley asked who the testing agency is that administers the examination.**

Dr. Dansie responded that it is NBEO, the National Board of Examiners in Optometry. He explained that ARBO leases the examination to NBEO. Dr. Dansie stated that the examination is a national examination and there is no longer a specific Utah State examination.

**Mr. Stanley asked if it is offered locally.**

**Mr. Watson and Dr. Cohen responded that the examination is offered regionally.**

**Board members thanked Dr. Dansie for attending the meeting.**

#### New Board Member Nomination

Ms. Taxin notified the Board that Dr. Michael Cohen has been appointed as the new Board member.

**The Board noted that Dr. Cohen attended the meeting today.**

Ms Taxin explained that a new Board member packet is sent to all new Board members which includes the applications, Laws, Rules and a letter regarding the dates of Board meetings and inviting the new Board member to attend. Ms. Taxin also explained that there is a new Board member training that will be held in September and is helpful in preparing to serve on the Board. She stated that she was not aware that Dr. Cohen would be attending today and, therefore, he was not put on the agenda for Board business. Ms. Taxin stated that Dr. Cohen will be sworn in at the next scheduled Board meeting as he was not scheduled for the meeting today. She informed Dr. Cohen that he

may participate today but cannot vote on any issues until he has been formally sworn in as a Board member.

Ms. Taxin asked Dr. Cohen to introduce himself.

Dr. Cohen responded that he is currently the Vice President of 1-800-ContactLens but has been in administration, private practice and joint practice. He stated that he is delighted to be appointed to the Utah Optometry Licensing Board.

**Following Dr. Cohen's introduction the Board members and Division staff introduced themselves.**

**Board members welcomed Dr. Cohen to the Board.**

#### **CORRESPONDENCE:**

Food & Drug Administration regarding  
Voluntary Recall – Compliance MoisturePlus  
Contact Lens Solution

**The board reviewed the information and no Board action was taken.**

AOA Correspondence

The Board reviewed the following AOA correspondence:

1. The Information regarding ACOE Actions Taken. **The Board noted the information**
2. The Information regarding Social Security Administration Final Rules. **The Board noted the information.**

ARBO Correspondence

The Board reviewed the following ARBO correspondence:

1. The request for State Board Reports. **No Board action was taken.**
2. The 2007 Annual Meeting Official Announcement. **No Board action was taken.**
3. The 2007 Annual Meeting Official Announcement Revision. **No Board action was taken.**
4. Information regarding State Board CE Requirements Update. **Ms. McCall notified the Board that she had completed and returned the survey to ARBO. No additional Board action was taken.**

Green Sheets for March 2007 and June 2007

**The Board reviewed the information and no Board action was taken.**

Association News for December, 2006,  
February 2007, April 2007, March 2007, May  
2007, June 2007 and July 2007

**The Board reviewed the newsletters and no Board action was taken.**

**NEXT MEETING SCHEDULED FOR:**

October 24, 2007

**ADJOURN:**

The time is 10:37 am and the meeting is adjourned.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

March 12, 2008  
Date Approved

Dane F Dansie, OD  
Chairperson, Utah Optometry Licensing Board

August 21, 2007  
Date Approved

(ss) Noel Taxin  
Bureau Manager, Division of Occupational &  
Professional Licensing